



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Gaio, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: October 28, 2003

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Minutes of October 14, 2003

RECOMMENDATION

It is recommended that the City Council approve the Minutes of October 14, 2003.

City of Loma Linda

City Council Minutes

Regular Meeting of October 14, 2003

A regular meeting of the City Council was called to order by Mayor Petersen at 6:02 p.m., Tuesday, October 14, 2003, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Floyd Petersen Mayor pro tempore Karen L. Hansberger Robert H. Christman Stan Brauer Robert Ziprick
Councilman Absent:	None
Others Present:	City Manager Dennis Halloway City Attorney Richard E. Holdaway

CC-2003-132 – Closed Session

- a. Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property:	City-owned acreage south and westerly of the prolongation of Mt. View Avenue
Negotiating Parties:	Dennis R. Halloway, Empire Homes
Under Negotiation:	Price and Terms of Payment
- b. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a) Noel Christensen and Citizens Alliance of Loma Linda ("CALL") vs. City and City Council, Case No. SCVSS 106980
- c. Conference with Legal Counsel – Anticipated Litigation, one case – Government Code Section 54956.9(c)

The City Council immediately recessed to consider the closed session items as listed. Mayor pro tempore Hansberger was absent during the discussion of Item "a". The City Council reconvened at 7:07 p.m. with all members present. City Attorney Holdaway announced that Item "a" was not completed and would resume subsequent to the open session; Item "b", The City Council met and conferred with Legal Counsel and there was no action to report at this time; As to Item "c", City Council gave direction to Legal Counsel to initiate litigation. The actions, the defendants and other particulars shall, once formally commenced, be disclosed to any person upon inquiry unless to do so would jeopardize the City's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

Councilman Ziprick led the invocation and Pledge of Allegiance. No items were added or deleted, and no public participation comments were offered upon invitation of the Mayor.

Scheduled and Related Items

CC-2003-133 – Presentation to Division Chief Brooks in recognition of his retirement

Director of Public Safety Crawford introduced Chief Brooks and wife Linda, noting that in his travels throughout California where firefighters and people involved in the firefighting industry gathered, on numerous occasions individuals asked him if Chief Brooks was still with the City. He noted that Chief Brooks has made a significant contribution to the fire service and emergency medical operation of the State of California and the local area. Chief Brooks assisted in the writing of the book on Heavy Rescue; ropes and knots were of special interest to him. He also invited the community to a picnic in recognition of Chief Brooks' retirement and contribution to the community, to be held at the Elmer Digneo Park on Thursday, October 16 at 3:00 p.m.

Mayor Petersen presented a lamp engraved with Chief Brooks' dates of employment and title in recognition of his retirement and an engraved clock in recognition of his 30 years of service to the community. He then expressed appreciation for his service to the community, commenting on his professionalism and fairness.

Chief Brooks thanked the City Council, the Department, and Staff and commented on a few of several highlights in his career, one being the heavy rescue efforts after a trail derailment in the Cajon Pass, where through his efforts, a man's life was saved; another being a car accident in San Timoteo Canyon, where a woman survived through his efforts.

CC-2003-134 – Consent Calendar

Motion by Hansberger, seconded by Ziprick and unanimously carried to approve the following items:

The Demands Register dated September 30, 2003 with commercial demands totaling \$68,929.13 and payroll demands totaling \$179,338.26.

The Demands Register dated October 14, 2003 with commercial demands totaling \$741,703.00 and payroll demands totaling \$167,216.97.

The Minutes of September 23, 2003 as presented.

The September 2003 Treasurer's Report for filing.

Council Bill #R-2003-47.

Resolution No. 2304

A Resolution of the City Council of the City of Loma Linda, California, fixing the employer's contribution under the Meyers-Geddes State Employee's Medical Hospital Care Act and repealing Resolution No. 1721

The Quarterly Report from the Chamber of Commerce and disbursement of funds pursuant to agreement with the City.

Request from the Southern California Association of Governments (SCAG) to join the California Joint Powers Insurance Authority (CJPIA).

The Minute action clarifying and confirming the April 8, 2003 Council direction to Staff relating to the number of travel lanes and associated right-of-way width for California Street from Redlands Boulevard to Barton Road.

The purchase and installation of playground equipment at Hulda Crooks Park.

Accepted with regret the resignation of Merlin Burt from the Historical Commission; declared a vacancy and directed the Clerk to post a Vacancy Notice. Authorized a plaque be forwarded to Mr. Burt in recognition of his service to the community.

Reports from Commissions/Committees

CC-2003-135 – Report and recommendation from the Trails Development Committee relating to allowed uses in the South Hills

Director of Community Development Woldruff presented the report, stating that in May, the City Council discussed potential uses of the South Hills because of complaints received concerning off-road vehicles causing noise, dust, and other disturbances. The City Council referred the issue to the Trails Development Committee for study and recommendations concerning trail identification on City-owned property versus private property; types of uses allowed by City Code, such as hiking, equestrian, off-road bicycling, off-road motorcycling, etc., purchase of right-of-way for trail connectivity, and maintenance of trails facilities.

The Trails Development Committee studied the issues at several meetings and obtained input from area property owners. Property owners expressed concern that they posted their property to prohibit off-road vehicles from entering and damaging their property due to the type of use; however, fences were cut and signs were removed. Concern pertaining to soil erosion and slope failure during the rainy season was also expressed. The Trails Development Committee and property owners were interested in finding solutions so that trail users could be segregated from off-road vehicle activity so pedestrians and equestrians would not be affected. The owners of motorized vehicles were also willing to work with the City to develop appropriate trails so that various recreation opportunities could make use of the area in a compatible manner. The Trails Development Committee determined that a Trails Master Plan was needed.

She then presented the Trails Development Committee Recommendation to develop a Trails Master Plan in order to establish a formal trails system in the South Hills, which would identify trail locations and specific permitted uses of the trails. She stated that Staff supported the recommendation and further recommended that until such time as a Trails Master Plan could be prepared and adopted, the use of motorized, off-road recreational vehicles such as motorcycles, quads, and other types of motorized vehicles be prohibited from using City-owned property.

She noted that Staff, the Trails Development Committee and affected residents could draft a Trails Master Plan; however, the cost of the EIR, approximately \$50,000, could not be considered at this time. Therefore, she suggested that a trails system be considered as part of the General Plan Update so that any additional environmental review associated with a Trails Master Plan could be tiered from the General Plan EIR.

Councilman Christman expressed opposition to limiting uses in the South Hills.

Discussion ensued concerning recent fires in the South Hills, the indication being that dirt bikes started the fires. Councilman Brauer suggested that as in certain mountain areas, the South Hills be closed to use during the dry summer months, due to the fire hazard.

Lt. Guerra of the Sheriff's Department, in response to questions, stated that because the trails don't have access from a public street, a staging place for motorized vehicles was also needed. Currently riders must drive illegally on a public street in order to gain access to a trail in the South Hills.

The City Attorney also responded to questions, stating that the City has a right as a property owner to control the use of its property. Unauthorized use could be considered trespassing under criminal statute, and suggested that signs be posted prohibiting trespassing by motorized vehicles.

Motion by Hansberger, seconded by Ziprick and carried to approve the recommendations of the Trails Development Committee and Staff as contained in the Staff Report. Christman opposed.

Reports of Officers

CC-2003-136 – Report from City Manager regarding financial impact of State Budget

City Manager Holloway presented the report in light of adoption of the State Budget for fiscal year 2003-2004 and several trailer bills passed by the legislature that would impact the City's financial ability to provide basic service to the community. In addition, the City was notified recently that a significant sales tax refund was granted to a local taxpayer. Both he and Finance Director DeAnda responded to questions, noting that the loss of revenues associated with the State Budget was estimated to be \$256,475 in addition to the \$247,877 sales tax refund, for a total of \$504,352. They then recommended that use of Reserve Funds in the amount of \$504,352 be used to cover the loss of revenues as stated.

By common consent, the report was received and the use of Reserve Funds in the amount of \$504,352 was authorized to cover the loss of revenues associated with the State Budget deficit and sales tax refund.

The City Council recessed at 8:14 p.m. to allow completion of the Redevelopment Agency Agenda and reconvened at 8:19 p.m. with all members present.

CC-2003-132 – Closed Session (Continued)

- a. Conference with Legal Counsel and Real Property Negotiator (Government code Section 54956.8)

Property:	City-owned acreage south and westerly of the prolongation of Mt. View Avenue
Negotiating Parties:	Dennis R. Holloway, Empire Homes
Under Negotiation:	Price and Terms of Payment

Mayor pro tempore Hansberger left and the City Council immediately recessed to consider the closed session item as listed.

The City Council reconvened at 9:38 p.m. with all members present except Mayor pro tempore Hansberger. The City Attorney announced that the City Council met with Legal Counsel and its Negotiator and gave direction. There was no final action to report.

The meeting adjourned at 9:38 p.m.

Approved at the meeting of

City Clerk